

**Department of Community Planning and Economic Development**  
Variances  
BZZ 6308

**Date:** November 21, 2013

**Applicant:** Minneapolis Garage Builders, LLC

**Address of Property:** 221 48<sup>th</sup> Street East

**Contact Person and Phone:** Richard Forester, (612) 940-7849

**CPED Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** October 30, 2013

**End of 60-Day Decision Period:** December 29, 2013

**Ward:** 8      **Neighborhood Organization:** Field, Regina, Northrop Neighborhood Association

**Existing Zoning:** R1A Single-Family District

**Existing Overlay District:** AP Airport Overlay District

**Zoning Plate Number:** 31

**Proposed Use:** New detached garage accessory to an existing single-family dwelling on a reverse corner lot.

**Concurrent Review:**

- Variance to reduce the minimum south interior side yard setbacks from 5 feet to 1 foot to allow for a new detached garage.
- Variance to reduce the minimum west interior side yard setbacks from 5 feet to 1 foot to allow for a new detached garage.

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking...”.

**Background:** The subject property is approximately 62.5 feet by 80.5 feet (5,164 sq. ft. in area) and consists of an existing two-story single-family dwelling on a reverse corner lot, with frontage 48<sup>th</sup> Street East and 3<sup>rd</sup> Avenue South. A 10 foot by 20 foot detached garage, located approximately 1 foot to the south and west interior side property lines, was permitted in 1931. The applicant recently demolished the detached garage and is now proposing to construct a new 20 foot by 20 foot garage in approximately the same location, 1 foot from the south and west interior side property lines.

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The zoning code allows for a reduction of the side yard requirements to one foot when the entire accessory building is located in the rear 40 feet provided that the accessory building is located entirely to the rear of the principal structure and 40 feet from the rear wall on the adjacent lot. The proposed detached garage is located in the rear 40 feet of the subject property's lot, but it is not located entirely behind the neighbor's structure to the south and would be located approximately 35 feet to the rear wall of the neighbor's structure to the east. Therefore, the minimum setback required along both the south and west interior side yard is 5 feet. The applicant is requesting a variance to reduce the required south and west interior side yard setbacks from 5 feet to 1 foot.

As of writing this staff report, staff has not received any correspondence from the Field, Regina, Northrop Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**Findings Required by the Minneapolis Zoning Code:**

**VARIANCE:** to reduce the minimum north and west interior side yard setbacks from 5 feet to 1 foot to allow for a new detached garage and

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variances are requested are unique to the parcel of land due to type of lot (reverse corner lot) and lack of alley access. These circumstances have created practical difficulties in complying with ordinance requiring the minimum interior side yard setbacks. The applicant is proposing to construct the garage in approximately the same location as the existing garage, which is currently nonconforming to the location on the property. The subject property is a reverse corner lot and the proposed garage could not be constructed entirely to the rear of the adjacent dwelling to the south and could not be located 40 feet from the adjacent dwelling to the west. These are not circumstances that have been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking a variance to reduce the south and west interior side yard to allow for the construction of a new garage in approximately the same location. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The lot is a reverse corner lot with greater setbacks and the lot is substandard in size and lacks alley access. Staff finds that the proposed location of the garage, in the rear 40 feet of the subject property and in approximately the same location as the existing garage, 1 foot from the south and west interior side property lines, allows for reasonable use of the property.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff finds that the proposed variances will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant is proposing to construct the garage in approximately the same location as the existing garage, which are currently nonconforming to the location on the property. The proposed garage would increase in footprint 10 feet in width to accommodate a second vehicle. The zoning code allows for a reduction of the interior side yard requirements to one (1) foot when the entire accessory building is located in the rear forty (40) feet and located entirely to the rear of and 40 feet from the rear wall the principal structure on the adjoining lot. The subject property is a reverse corner lot and the proposed garage could not be constructed entirely to the rear of the adjacent dwelling to the south and could not be located 40 feet from the adjacent dwelling to the east. The proposed detached garage will utilize the existing curb cut along 48<sup>th</sup> Street East and the proposed exterior materials are 4-inch smart-board lap siding and will match the color and 4-inch wood lap siding of the existing dwelling. The proposed detached garage will require a building permit review; therefore, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

#### **Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum south interior side yard setbacks from 5 feet to 1 foot to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot located at 122 48<sup>th</sup> Street West in the R1A Single-Family District, subject to the following conditions of approval:

1. The exterior materials of the proposed garage shall be wood or smart-board, 4-inch siding to match the existing dwelling.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by November 21, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

#### **Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum west interior side yard setbacks from 5 feet to 1 foot to allow for a new detached garage accessory to an existing single-family dwelling on a reverse corner lot located at 122 48<sup>th</sup> Street West in the R1A Single-Family District, subject to the following conditions of approval:

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1. The exterior materials of the proposed garage shall be wood or smart-board, 4-inch siding to match the existing dwelling.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by November 21, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Glidden and Field, Regina, Northrop Neighborhood Association
3. Zoning map
4. Survey
5. Building elevations
6. Floor plans
7. Photos